



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 19, 1996

Mr. D. Paul Stafford
Assistant District Attorney
Henderson County Courthouse
Athens, Texas 75751

OR96-1488

Dear Mr. Stafford:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 36835.

The Henderson County District Attorney (the "district attorney") received a request for "any and all documents or investigation/incident reports in [the district attorney's] files regarding Ted Dorman." You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. You have submitted representative samples of the requested information.¹ We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."² This section encompasses information protected by other statutes. Section 242.127 of the Health and Safety Code provides that records used or developed in an investigation into the alleged abuse of certain patients conducted pursuant to subchapter E of chapter 242 are

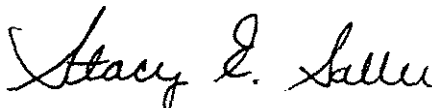
¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach and, therefore, does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²The Office of the Attorney General will raise section 552.101 on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

confidential. The records here appear to be part of such an investigation. Therefore, the information is confidential under section 242.127 of the Health and Safety Code as applied through section 552.101 of the Government Code.³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 36835

Enclosures: Submitted documents

cc: Ms. Jenny R. Elmer
Gwinn & Roby
4100 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270
(w/o enclosures)

³As we address this request under section 552.101, we need not address your arguments under section 552.108 of the Government Code.